FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
C.A. No.125 of 2004
In
Letters Patent Appeal (St.) No.9801 of 2004
In
First Appeal No.4374 of 1978

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Bharat Pathak i/by L.C.Joshi for Applicants (original Appellants).

None for Respondents.

CORAM : J.N. PATEL &
SMT. R.S.DALVI, JJ.

DATED : 3rd April, 2007

P.C. :

1. Heard.

2. The Applicants are the original Appellants, who have preferred the Letters Patent Appeal impugning the order of the learned Single Judge. That Letters Patent Appeal has not been filed within the stipulated period of limitation. The Applicants, therefore, have moved this Court for condonation of delay.

3. It is the case of the Applicants that the Letters Patent Appeal is not preferred due to the fault on their earlier Advocate.

4. The Respondents have strongly objected for condonation of delay on the ground that no case has been made out and otherwise also, the LPA is totally frivolous, false and mischievous.

5. Taking into consideration that delay is due to the fault on the part of the Advocate, who was earlier appearing for the Applicants, we are inclined to condone the delay subject to costs, which we quantify at Rs.5,000/-. Costs to be deposited within a week’s time. If the costs is not deposited as directed by this Court, the Application will stand dismissed.

6. Matter be listed for admission in the third week of April 2007.

(J.N. PATEL, J.)

(SMT.R.S. DALVI, J.)